

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1155 be amended to read as follows:

- 1 Page 7, line 6, delete ":" and insert "**child molesting or an offense**
- 2 **in another jurisdiction that is substantially similar to child**
- 3 **molesting if the person was at least eighteen (18) years of age at the**
- 4 **time the person committed the offense and the person:**
- 5 **(A) has a prior unrelated conviction for child molesting or an**
- 6 **offense in another jurisdiction that is substantially similar to**
- 7 **child molesting; or**
- 8 **(B) is a sexually violent predator under IC 35-38-1-7.5;"**
- 9 Page 7, delete lines 7 through 13.
- 10 Page 9, line 31, after "location" insert "**, if applicable**".
- 11 Page 10, between lines 9 and 10, begin a new paragraph and insert:
- 12 "**SECTION 5. IC 35-50-6-5 IS AMENDED TO READ AS**
- 13 **FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may,**
- 14 **with respect to the same transaction, be deprived of any part of the**
- 15 **credit time ~~he~~ the person has earned for any of the following:**
- 16 **(1) A violation of one (1) or more rules of the department of**
- 17 **correction.**
- 18 **(2) If the person is not committed to the department, a violation of**
- 19 **one (1) or more rules of the penal facility in which the person is**
- 20 **imprisoned.**
- 21 **(3) A violation of one (1) or more rules or conditions of a**
- 22 **community transition program.**
- 23 **(4) If a court determines that a civil claim brought by the person**
- 24 **in a state or an administrative court is frivolous, unreasonable, or**
- 25 **groundless.**

1           **(5) If the person is an offender (as defined in IC 5-2-12-4) and**  
2           **refuses to participate in a sex offender treatment program**  
3           **specifically offered to the offender by the department of**  
4           **correction while the person is serving a period of**  
5           **incarceration with the department of correction.**

6           However, the violation of a condition of parole or probation may not be  
7           the basis for deprivation. Whenever a person is deprived of credit time,  
8           ~~he~~ **the person** may also be reassigned to Class II or Class III.

9           (b) Before a person may be deprived of earned credit time, the  
10          person must be granted a hearing to determine his guilt or innocence  
11          and, if found guilty, whether deprivation of earned credit time is an  
12          appropriate disciplinary action for the violation. In connection with the  
13          hearing, the person is entitled to the procedural safeguards listed in  
14          section 4(c) of this chapter. The person may waive his right to the  
15          hearing.

16          (c) Any part of the credit time of which a person is deprived under  
17          this section may be restored."

            (Reference is to HB 1155 as printed January 27, 2006.)

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Representative Foley